

REMARKS

In an Advisory Action dated December 23, 2008, it was indicated that the rejection under 35 USC §103 over US 6,914,088 would have been maintained given that applicant still had not provided a statement of common ownership *at the time of invention*, which is required to overcome a rejection under 35 USC §103 (a) based upon the commonly assigned case as a reference under 35 USC §102 (e). It was suggested that applicant submit a statement such as, "Application X and Application Y were, at the time the invention of Application X was made, owned by Company Z," citing MPEP §706.02(1)(2). It was asserted that, while the inventions are presently commonly owned as applicant has noted, they were not necessarily commonly owned *at the time of invention*.

In accordance with the above suggestion, Applicants therefore submit the following:

The subject application Ser. No. 10/500,867 and application Ser. No. 10/196,383, which was issued as U.S. Patent No. 6,914,088, were, at the time the invention as claimed was made, owned by New Japan Chemical Co., Ltd.

Accordingly, withdrawal of the rejection under 35 USC §103 (a) is requested.

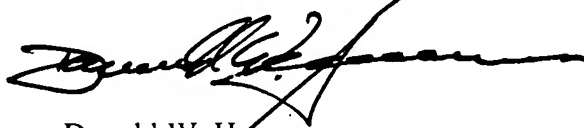
In view of the aforementioned amendments and accompanying remarks, it is submitted that the claims are in condition for allowance, and such action is requested.

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In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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